

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ZIMMERI CONTRERAZ, individually,

Plaintiff,

v.

CITY OF TACOMA; SOUTH SOUND 911;
CHRISTOPHER BAIN,

Defendants.

CASE NO. 3:22-cv-05106

ORDER GRANTING STIPULATED
MOTION TO CONTINUE TRIAL DATE
AND CONTINUING PRE-TRIAL
DEADLINES

This motion comes before the Court on the parties' Stipulated Motion to Continue the Trial Date. Dkt. No. 67. Under Fed. R. Civ. P. 16(b)(4) and LCR 16(b)(6), the parties may modify the case schedule for good cause shown and with the Court's consent. The parties represent that they are engaged in trial preparation, including discovery and deposition preparation, and that the discovery process is taking longer than anticipated. *See* Dkt. No. 67. So the parties request a new trial date of April 8, 2024, but this matter has been delayed on the parties requests on many prior occasions. *See* Dkt. Nos. 16, 19, 24, 33, 43.

Under Fed. R. Civ. P. 16(b), the Court considers the diligence of the party seeking the amendment. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). "[T]he focus of the inquiry is upon the moving party's reasons for seeking modification." *Id.* The parties

1 stipulated motion does not refer to “good cause,” and besides having “many potential witnesses,”
 2 the parties provide no specific reasons for this latest request. Dkt. No. 67.

3 Even so, the Court finds good cause to continue the trial and related dates as a matter
 4 docket management and judicial efficiency. This matter was assigned to Judge Whitehead on
 5 April 4, 2023. Dkt. No. 46. Defendants City of Tacoma and Christopher Bain have two motions
 6 pending, including one seeking a protective order for the deposition of Mayor Victoria Woodards
 7 and Chief Avery Moore, and another seeking the protection of disclosed documents. *See* Dkt.
 8 Nos. 47, 52. Because the outcome of these pending motions may affect the parties’ discovery
 9 obligations, good cause exists for the trial date to be continued to April 8, 2024, with the related
 10 dates continued as follows:

EVENT	DATE
JURY TRIAL begins	April 8, 2024
Length of trial	10 days
Deadline for filing amended pleadings	September 11, 2023
Disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2)	September 11, 2023
Disclosure of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2)	within 30 days after the other party’s expert disclosure
All motions related to discovery must be filed by (<i>see</i> LCR 7(d))	October 11, 2023
Discovery completed by	November 10, 2023
All dispositive motions and motions challenging expert witness testimony must be filed by (<i>see</i> LCR 7(d))	December 11, 2023
Settlement conference under LCR 39.1, if requested by the parties, held no later than	February 8, 2024

EVENT	DATE
All motions in limine must be filed by (<i>see</i> LCR 7(d))	February 28, 2024
Deposition Designations must be submitted to the Court by (<i>see</i> LCR 32(e))	March 18, 2024
Agreed pretrial order due	March 18, 2024
Trial briefs, proposed voir dire questions, and proposed jury instructions must be filed by	March 25, 2024
Pretrial conference	April 1, 2024

It is so ORDERD.

Dated this 31st day of May, 2023.



Jamal N. Whitehead
United States District Judge